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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/821,060

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John Zimmerman

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

05/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/821,060

**Applicant(s)**

ZIMMERMAN, JOHN

**Examiner**

Dominic D. Saltarelli

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 6, 11, 20, 23, 26 and 28-33 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 21, 22, 24, 25 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 21, 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6, 11, and 20-33 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Objections***

3. Claim 21 is objected to because of the following informalities: Line 3 reads "axes is least two" and should be changed to read --axes is at least two--. This is how the examiner has read the claim in the instant action. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 5, 20, 26, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Graves et al. (5,410,344) [Graves].

Regarding claims 1 and 11 Graves discloses a television program profile interface having a multiplicity of axes (fig. 5), including:

a television viewer profile represented by weighted viewer preferences (fig. 5, col. 2, lines 62-64), different portions of which are selectable by traversing along one axis of the multiplicity of axes (using the channel control feature to traverse the vertical axis to select a feature, as shown in fig. 5),

wherein the weighted viewer preferences are represented along a plurality of axis that are different than the one axis of the multiplicity of axes (each feature is represented along a series of horizontal axes, perpendicular to the vertical axis, as shown in fig. 5),

wherein the one axis of the multiplicity of axis are provided within a same view as the television profile (as shown in fig. 5),

wherein the one of the multiplicity of axes has an altering mechanism allowing a value associated with a portion on the one axis to be changed along the one axis (using the channel control feature described above, wherein the value is simply a position along the axis),

wherein the television viewer profile weighted viewer preferences have an activation mechanism that allows for viewer selection and manipulation of the

television viewer profile weighted viewer preferences (using the volume control to set grade for a selected feature, as shown in fig. 5).

Regarding claim 3, Graves discloses the television program profile interface of claim 1, wherein said weighted viewer preferences are represented by bar graphs (see fig. 5).

Regarding claims 5 and 20, Graves discloses the television program profile interface of claim 1, wherein each of said weighted viewer preferences is individually viewer modifiable [along an axis] (using the channel and volume controls as illustrated in fig. 5 to select a feature and the corresponding grade associated with that feature).

Regarding claims 26 and 29-33, Graves discloses a television program profile interface having a multiplicity of axes (fig. 5), including:

a television viewer profile represented by weighted viewer preferences that proportionately change with respect to one axis of the multiplicity of axes (fig. 5, col. 2, lines 62-64), wherein the one axis of the multiplicity of axes has a profile view selecting mechanism that selects the profile view by traversing along the one axis (using the channel control feature to traverse the vertical axis to select a feature, as shown in fig. 5), wherein another one of the multiplicity of axes represents an activity not involved in viewing television (the 'music' feature

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involves listening, not viewing) and the television viewer profile weighted viewer preferences have an activation mechanism that allows from viewer selection and manipulation of the television viewer profile weighted viewer preferences (using the volume control to set grade for a selected feature, as shown in fig. 5).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves in view of Alexander et al. (6,177,931, of record).

Regarding claims 6 and 28, Graves discloses the television program profile interface of claims 1 and 26, but fails to disclose means for viewer interaction to alter a topic selection presented by the television viewer profile to provide said weighted viewer preferences sorted by a selected topic.

In an analogous art, Alexander discloses providing means to a user to alter topic selection of presented programming information to provided a sorted display according to a selected topic (fig. 7, col. 7, lines 46-56 and col. 15, lines 33-39), proving the benefit of enhanced user control over displayed information.

It would have been obvious at the time to a person of ordinary skill in the art to modify the interface of Graves to include means to a user to alter topic selection of presented information to provided a sorted display according to a selected topic, as taught by Alexander, for the benefit of enhanced user control over displayed viewer profile information.

Regarding claim 23, Graves discloses a television program profile interface having a multiplicity of axes (fig. 5), including:

a television viewer profile represented by weighted viewer preferences that change with respect to one axis of the multiplicity of axes (fig. 5, col. 2, lines 62-64),

wherein the weighted viewer preferences are represented along a plurality of axis that are different than the one axis of the multiplicity of axes (each feature is represented along a series of horizontal axes, perpendicular to the vertical axis, as shown in fig. 5),

wherein the one axis of the multiplicity of axis are provided within a same view as the television profile (as shown in fig. 5),

wherein the one of the multiplicity of axes has an altering mechanism allowing a value associated with a portion on the one axis to be changed along the one axis (using the channel control feature described above, wherein the value is simply a position along the axis).

Graves fails to disclose a selection of the position along the one axis of the multiplicity of axes operates to filter the weighted viewer preferences to provide weighted viewer preferences that correspond to the selected position.

In an analogous art, Alexander teaches a user interface wherein a list of programming related information that spans more than one screen is presented to a user in portions, the portion which is shown to a user dependent upon the position of a cursor scrolling along an axis, effectively 'filtering' which portion of the information are shown based on a selected position of a cursor along an axis (col. 15 line 65 – col. 16 line 26), providing the benefit of allowing a user to scroll through a list of information that spans more than one screen.

It would have been obvious at the time to a person of ordinary skill in the art to modify the television program profile interface of Graves to include a selection of the position along the one axis of the multiplicity of axes operates to filter the weighted viewer preferences to provide weighted viewer preferences that correspond to the selected position, as taught by Alexander, for the benefit of displaying a list of information which would otherwise occupy more than one screen.

***Allowable Subject Matter***

8. Claims 2, 4, 21, 22, 24, 25, 27, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS

  
ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER